

DEF ✓

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

KENNETH POLANCO,

Petitioner,

-against-

THE PEOPLE OF THE STATE
OF NEW YORK,

Respondent.

ORDER

04-CV-2184

X
DEARIE, District Judge.

In a Report and Recommendation dated December 30, 2005, Magistrate Judge Lois Bloom recommends that this Court deny pro se petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. No objections have been filed.

The Court has considered the petition de novo and adopts the Report and Recommendation without qualification. Accordingly, for the reasons explained therein, petitioner's application for a writ of habeas corpus is denied, and the petition is dismissed. Because petitioner has not "made a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), a certificate of appealability shall not issue. In addition, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith. The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
February 16, 2006

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge